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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,403

04/13/2006

Phillippe Herrmann

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EXAMINER

MCELHENY JR, DONALD E

ART UNIT

PAPER NUMBER

2857

MAIL DATE

DELIVERY MODE

12/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Failure to Acceptably Respond to Notice of Non-Compliant Amendment (37 CFR 1.121) No New Time Period for Reply is Provided	Application No. 10/565,403	Applicant(s) HERRMANN ET AL.	
		Art Unit 2800	

The amendment document filed on 11/14/07 fails to provide the corrective action required by the **prior Notice of Non-Compliant Amendment (37 CFR 1.121)** mailed on 10/18/07. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.
- ☐ B. New paragraph(s) should not be underlined.
- ☐ C. Other

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
- ☐ B. Other

☐ 3. Amendments to the drawings:

☒ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.
- ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
- ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.

☒ E. Other: *See continuation sheet*

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>

Supervisory Legal Instruments Examiner (SLIE):

DONALD E. McELHENY, JR.
PRIMARY EXAMINER

Continuation of 4(e) Other: Prosecution on the merits was closed in Office action dated 06/18/07. In the last Office action dated 10/18/07 applicant was advised that prosecution was previously closed and the presented amendment dated 09/18/07 was improper because of such closure of prosecution and that the claim amendments were also not in compliance with claim amendment marking practice (see Rule 121). The instant amendment submitted 11/14/07 also is not in compliance with Rule 121, and presents claim amendments not permitted and which do not match the original preliminary amendment to claims dated 01/23/06. Note that this most recent amendment to claims has now changed claim 7 to be a multiple dependent claim, and also claim 12 to be amended to be a multiple dependent claim which also improperly depends upon an earlier multiple dependent claim. This latest amendment not only fails to comply with the last Office actions but introduces new issues. Failure to properly correct the listing of the claims, and to properly respond to this Office action will result in the abandonment of this application. Note that any substitute specification submitted must not include a listing of the claims.